

Robert LeFever

Robert LeFever

1 before or after, causing this procedure,
 2 Exhibit 18, to go into the procedure books?
 3 **A. No.**
 4 **Q.** Did you ever ask anybody to make
 5 sure that it was in there at or about that time?
 6 **A. I may have.**
 7 **Q.** Do you recall who you asked?
 8 **A. No.**
 9 **Q.** Did anybody ever indicate to you
 10 that at or about that time in August of '06, give
 11 or take a month, this procedure was not in one or
 12 more of the procedure books?
 13 **A. No.**
 14 **MS. BERG:** Can I have marked
 15 as Exhibit 35 a copy of an October 5,
 16 2005, Chairman's Memorandum.
 17 *(Whereupon, 10/5/05 Chairman's*
 18 *Memorandum was marked as Plaintiff's*
 19 *Exhibit No. 35, for id.)*
 20 **Q.** Have you ever seen Exhibit 35
 21 before? *(Hanging)*
 22 **A. I don't recall it.**
 23 **Q.** Do you recall receiving anything
 24 which, in substance, contained what's in
 25 **COMPU-TRAN SHORTHAND REPORTING**

1 Memorandum?
 2 **A. When they come.**
 3 **Q.** How often is that?
 4 **A. It could be 20 a year or ten a year.**
 5 **Q.** And other than physically receiving
 6 it through the mail, are you notified any other
 7 way?
 8 **A. No.**
 9 **Q.** Other than yourself, do you know of
 10 anybody who receives these memorandum in Putnam
 11 County?
 12 **A. No.**
 13 **Q.** For example, a lieutenant or anybody
 14 else?
 15 **A. Well, they come into the division;**
 16 **and then the lieutenant, the sergeants, read it.**
 17 **Q.** And in terms of the ADM 330,
 18 Exhibit 1, you understood that that was something
 19 that was created by the Commission and the Office
 20 of Mental Health; correct?
 21 **A. Yes.**
 22 **Q.** This memorandum also refers to a
 23 screening tool that can be used to assess a
 24 history of mental illness for treatment, and it
 25 **COMPU-TRAN SHORTHAND REPORTING**

1 **Robert LeFever**
 2 Exhibit 35? And take your time to review it.
 3 *(Pause in the record)*
 4 **A. No, I don't recall it.**
 5 **Q.** In the third paragraph it says,
 6 "Since the 1980s, the Commission has held that
 7 the only instrument that is in compliance with
 8 Section 7013.7 (b) (5), is the suicide screening
 9 form, which was a joint project of the Commission
 10 and the New York State Office of Mental Health."
 11 Bold, underlined: **"This continues to be the**
 12 **case."**
 13 **Q.** Do you see that?
 14 **A. Yes.**
 15 **Q.** Did you receive any information in
 16 or about '05 or any other point that the suicide
 17 screening form that was created by the Commission
 18 and the Office of Mental Health was the only
 19 instrument that complied with the minimum
 20 standards?
 21 **A. No.**
 22 **Q.** Nobody ever told you that?
 23 **A. No.**
 24 **Q.** Do you recall how often in any given
 25 year you would receive these, the Chairman
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1 **Robert LeFever**
 2 provides a website on the second page to find
 3 that instrument.
 4 **Q.** Did you ever do anything to look
 5 into whether any other form could be used by
 6 Putnam County --
 7 **A. No.**
 8 **Q.** -- in terms of assessing just the
 9 mental illness portion?
 10 **A. No.**
 11 **MS. BERG:** Let me have
 12 marked as Exhibit 36 a copy of the form
 13 that was obtained from that website which
 14 says, "Brief Jail Mental Health Screen."
 15 *(Whereupon, two-page Brief Jail Mental*
 16 *Health Screen, was marked as Plaintiff's*
 17 *Exhibit No. 36, for id.)*
 18 **Q.** Just take a look at the form,
 19 itself, and tell me if you've ever seen that
 20 before.
 21 **A. (Witness complies) No.**
 22 **Q.** Did you ever have any discussions
 23 with anybody about including in the Medical
 24 Intake Record a form that would assess
 25 specifically any history of mental illness, such
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1 as Exhibit 36?
 2 A. No.
 3 MS. BERG: Let me have
 4 marked as Exhibit 37 a copy of a
 5 Chairman's Memorandum dated
 6 September 18th, 2007.
 7 (Whereupon, 9/18/06 Chairman
 8 Memorandum was marked as Plaintiff's
 9 Exhibit No. 37, for id.)
 10 Q. Have you ever seen Exhibit 37
 11 before?
 12 A. Yes.
 13 Q. And do you recall if you saw that at
 14 or about the time that it was published on
 15 September 18th of '07?
 16 A. Yes.
 17 Q. And in terms of the content, the
 18 second paragraph refers to, "Since 1985, the
 19 Commission has been engaged in a state-wide
 20 collaborative effort with the New York State
 21 Office of Mental Health and with sheriffs and
 22 jail administrators to improve the mental health
 23 crisis intervention and to prevent suicide in
 24 local facilities." It then refers to, In the
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1 next sentence, "The local forensic suicide
 2 prevention crisis service model."
 3 Do you see that?
 4 A. Yes.
 5 Q. Were you familiar with that model at
 6 any point in time prior to 2007?
 7 A. Yes.
 8 Q. And was that the model that came
 9 into play in or about 1988?
 10 A. Yes.
 11 Q. And it then says the program, which
 12 is a mandated aspect of compliance with New York
 13 State Correction Law, Section 500 B, and with
 14 minimum standards Part 7013, entitled
 15 "Classification."
 16 Do you see what I just read there?
 17 A. Yes.
 18 Q. Did you understand that in Putnam
 19 County Correctional Facility this local forensic
 20 suicide prevention crisis service model was
 21 required to be implemented?
 22 A. Yes.
 23 Q. And that was from back in around
 24 1988?
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1 A. Yes.
 2 Q. And did you ever have occasion to
 3 discuss that model with Sheriff Smith or anyone
 4 in his administration?
 5 A. No.
 6 Q. Did you ever have occasion to let
 7 him know that that model existed?
 8 A. No.
 9 Q. Did he ever ask you any questions
 10 about that?
 11 A. I don't remember.
 12 Q. It then says, in the next paragraph,
 13 "The local forensic suicide prevention crisis
 14 service model consists of the following major
 15 components:" Second bullet: "Screening of
 16 detainees by trained correction police officers
 17 using Commission Form 330 ADM."
 18 Do you see that?
 19 A. Yes.
 20 Q. And you understood that that was
 21 part of the model back from 1988; correct?
 22 A. Yes.
 23 Q. Did anything about this memorandum
 24 cause you to have the discussion with Smith,
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1 whereby now Putnam County uses the ADM 330?
 2 A. I don't believe so.
 3 MS. BERG: Can I have marked
 4 as Exhibit 38, a copy of a Chairman's
 5 Memorandum dated October 31, 2007.
 6 (Whereupon, 10/31/07 Chairman's
 7 Memorandum Number 12-2007, was marked as
 8 Plaintiff's Exhibit No. 38, for id.)
 9 Q. Did you ever see Exhibit 38?
 10 (Handing)
 11 A. Yes.
 12 Q. Did you see that on or about
 13 October 31, 2007?
 14 A. Yes.
 15 Q. In terms of this memorandum, it
 16 indicates in the second paragraph that "Inmates
 17 who are placed on "suicide" or constant watch
 18 need not be deprived of their clothing and issued
 19 a suicide smock;" right?
 20 A. Yes.
 21 Q. Is this the memorandum that you
 22 referred to early on in your testimony --
 23 A. Yes.
 24 Q. -- that you then followed up with
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1 the Commission about?

2 **A. Yes.**

3 **Q. And do you recall anything about**

4 **what the Commission conveyed to you as part of**

5 **that follow up?**

6 **A. It was -- this was the result of**

7 **that, about changing their idea of using a smock.**

8 **Q. And in terms of the content of this**

9 **memorandum, did this in any way provoke you, or**

10 **the department as far as you know, to modify the**

11 **form that's been used by Putnam County?**

12 **A. No.**

13 **MS. BERG: Let's go off the**

14 **record.**

15 **(Luncheon recess held from 1:12 to**

16 **2:15 p.m.)**

17 **CONTINUED EXAMINATION BY MS. BERG:**

18 **Q. Did you ever see the form pertaining**

19 **to Spencer Sinkov in its completed state,**

20 **Exhibit 3?**

21 **A. Yes.**

22 **Q. When for the first time?**

23 **A. The day of the suicide.**

24 **Q. And how did you come about seeing**

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1 **directions or instructions when they contacted**

2 **you?**

3 **A. No.**

4 **Q. Do you recall that it was a**

5 **Saturday?**

6 **A. Yes.**

7 **Q. And did you contact anybody else**

8 **before you got to the office?**

9 **A. I don't believe so.**

10 **Q. Undersheriff or anyone else?**

11 **A. No.**

12 **Q. What happened when you arrived at**

13 **the jail?**

14 **A. I arrived, went downstairs to the**

15 **lower level, and just made sure everybody --**

16 **everyone was separated, and the logbook was**

17 **secure, and that was it. And then I went to**

18 **medical and got a copy of the form.**

19 **Q. What do you mean by the logbook**

20 **being secure?**

21 **A. Well, any time something like that**

22 **happens, you immediately take the logbook and**

23 **secure it, so it's -- it retains evidence.**

24 **Q. And who, if anybody to your**

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1 that?

2 **A. I went to medical and got a copy.**

3 **Q. How did you first find out that**

4 **Spencer had committed suicide?**

5 **A. A phone call.**

6 **Q. From who?**

7 **A. I don't remember.**

8 **Q. Was it somebody who was on staff at**

9 **that shift?**

10 **A. Yes.**

11 **Q. And do you recall, in substance,**

12 **what they communicated to you?**

13 **A. They just said they had a suicide.**

14 **Q. And do you recall approximately when**

15 **that occurred?**

16 **A. 1:30.**

17 **Q. Do you recall that it was on**

18 **May 20th of 2006?**

19 **A. Yes.**

20 **Q. And at that point in time what, if**

21 **anything, did you do?**

22 **A. Came into the -- went into the**

23 **office.**

24 **Q. Did you give that staff person any**

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1 **knowledge, had done that prior to your arrival?**

2 **A. The sergeant on the shift.**

3 **Q. Who was that?**

4 **A. Sergeant Jackson.**

5 **Q. Did you take possession of the**

6 **logbook at that time?**

7 **A. No. I believe we gave it right to**

8 **BCI.**

9 **Q. And when you say you made sure**

10 **everyone was separated, what do you mean by that?**

11 **A. Just in different places.**

12 **Q. And who did you mean by "everyone"?**

13 **A. The staff.**

14 **Q. And why did you do that?**

15 **A. Normal procedure.**

16 **Q. Did you speak with anybody about the**

17 **circumstances at that time before going to**

18 **medical?**

19 **A. No.**

20 **Q. And when you said you then went to**

21 **medical --**

22 **A. Yes.**

23 **Q. -- why did you do that?**

24 **A. To get a copy of the suicide**

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1
03:05:49 2 screening.
03:05:49 3 Q. When you went to medical, did you
03:05:51 4 have any conversations with anybody?
03:05:53 5 A. I don't believe so.
03:05:54 6 Q. Do you recall if Susan Waters was on
03:05:57 7 shift?
03:05:57 8 A. Yes.
03:05:57 9 Q. Did you speak with her at any point?
03:05:59 10 A. I don't remember.
03:10:03 11 Q. Do you recall asking her to pull the
03:10:03 12 file?
03:10:03 13 A. Yes.
03:10:03 14 Q. And was that the first time that you
03:10:05 15 then saw the suicide screening form?
03:10:10 16 A. Yes.
03:10:11 17 Q. And did you discuss that with Susan
03:10:15 18 Waters at any point?
03:10:15 19 A. I don't remember.
03:10:15 20 Q. Do you recall making any statements
03:10:16 21 to her?
03:10:18 22 A. No.
03:10:18 23 Q. Do you recall saying to her words to
03:10:22 24 the effect of, this is a problem, or this is not
03:10:24 25 good?

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1
03:10:25 2 A. Possibly, yes.
03:10:25 3 Q. Do you recall doing that as you sit
03:10:28 4 here today?
03:10:28 5 A. Yes.
03:10:28 6 Q. And do you recall if she responded?
03:10:31 7 A. No.
03:10:31 8 Q. When you told her that this is a
03:10:33 9 problem, or this is not good, were you referring
03:10:36 10 to the suicide screening form?
03:10:37 11 A. Yes.
03:10:38 12 Q. What about it?
03:10:38 13 A. That the score was a ten, and he
03:10:42 14 wasn't on a constant watch.
03:10:44 15 Q. How did you know he was not on a
03:10:46 16 constant watch?
03:10:46 17 A. I don't remember. Somebody must've
03:10:48 18 told me when I came in.
03:10:50 19 Q. Do you recall if, at any point in
03:10:52 20 time prior to reviewing the medical file, if you
03:10:56 21 asked anybody whether he was on any kind of a
03:10:56 22 watch?
03:10:58 23 A. I may have. I don't remember.
03:10:59 24 Q. You don't recall one way or the
03:11:01 25 other?

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1
03:11:01 2 A. No.
03:11:01 3 Q. Did you speak with anybody from the
03:11:03 4 Sheriff's Department at any point in time prior
03:11:05 5 to reviewing the medical file?
03:11:07 6 A. No.
03:11:08 7 Q. After looking -- withdrawn.
03:11:12 8 Anything else that you can recall
03:11:13 9 saying to Susan Waters or her saying to you?
03:11:15 10 A. No.
03:11:15 11 Q. After looking at the medical file,
03:11:16 12 what, if anything, did you do?
03:11:18 13 A. I just -- I actually didn't review
03:11:20 14 the medical file. I got a copy of this form;
03:11:20 15 that's the only thing I did. And then I believe
03:11:22 16 I went and met with the sheriff. The sheriff was
03:11:22 17 in the building at that time.
03:11:31 18 Q. And you met with him in the jail?
03:11:33 19 A. Yes.
03:11:34 20 Q. And do you recall what you said to
03:11:36 21 the sheriff and what he said to you?
03:11:36 22 A. I had the form and I said, it's
03:11:38 23 not -- it's not good.
03:11:38 24 Q. Was anyone else present?
03:11:42 25 A. There may have been. I don't

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1
03:11:44 2 recall.
03:11:44 3 Q. Do you recall anything that Sheriff
03:11:47 4 Smith said to you?
03:11:47 5 A. No.
03:11:48 6 Q. How long did you meet with him for,
03:11:51 7 at that time?
03:11:51 8 A. A minute in the hallway.
03:11:55 9 Q. What, if anything, did you say to
03:11:58 10 him and did he say to you?
03:12:00 11 A. At that time, nothing.
03:12:01 12 Q. What did you do after that?
03:12:03 13 A. Once we -- the situation was all
03:12:05 14 taken care with -- you know, investigators were in
03:12:08 15 and the coroner was in -- we went and met in his
03:12:11 16 office.
03:12:11 17 Q. Into the sheriff's office?
03:12:12 18 A. Yes.
03:12:13 19 Q. When the investigators and the
03:12:14 20 coroner were coming into the building, where were
03:12:16 21 you?
03:12:16 22 A. Just in the hallway.
03:12:17 23 Q. Did you actually go to the cell at
03:12:18 24 any point in time?
03:12:20 25 A. I walked past it.

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1
03:12:21 2 Q. Did you stay there for any length of
03:12:23 3 time?
03:12:25 4 A. No.
03:12:27 5 Q. Did you speak with the investigators
03:12:29 6 at any time?
03:12:31 7 A. No.
03:12:33 8 Q. Did anybody ever ask you any
03:12:35 9 questions as part of an investigation?
03:12:37 10 A. No.
03:12:39 11 Q. You said then after the
03:12:41 12 investigators and the coroner came to the
03:12:43 13 building, you met with the sheriff in the
03:12:45 14 sheriff's office?
03:12:47 15 A. Yes.
03:12:49 16 Q. Was anybody else present?
03:12:51 17 A. I don't remember.
03:12:53 18 Q. How long did that meeting last?
03:12:55 19 A. Half an hour.
03:12:57 20 Q. What did you say to him, and what
03:12:59 21 did he say to you?
03:13:01 22 A. In substance, we just talked about
03:13:03 23 the form, how it was a ten and it wasn't a
03:13:05 24 constant watch. And that's really it. Talked
03:13:07 25 about getting documents together.

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1
03:13:07 2 Q. Do you recall what documents?
03:13:09 3 A. Made sure we got the statements,
03:13:11 4 photographs, all the stuff pertaining to the
03:13:13 5 incident.
03:13:15 6 Q. Anything else?
03:13:17 7 A. Not that I can recall.
03:13:19 8 Q. Do you recall anything specific that
03:13:21 9 the sheriff said about the form?
03:13:23 10 A. No.
03:13:25 11 Q. Do you recall anything that he said
03:13:27 12 about the fact that the score was a ten and he,
03:13:29 13 Spencer, was not on a constant watch?
03:13:31 14 A. No.
03:13:33 15 Q. Did you discuss with him at that
03:13:35 16 time anything about who was responsible for doing
03:13:37 17 the intake?
03:13:39 18 A. No.
03:13:41 19 Q. Or who actually did it?
03:13:43 20 A. I don't remember.
03:13:45 21 Q. Do you recall if you discussed
03:13:47 22 anything about Vasaturo or LaPolla?
03:13:49 23 A. Don't remember.
03:13:51 24 Q. Did you, at any point in time, speak
03:13:53 25 with Vasaturo about Spencer?

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1
03:13:55 2 A. ...
03:13:57 3 Q. Or about any role he had in the
03:13:59 4 process?
03:14:01 5 A. No.
03:14:03 6 Q. Did you ever speak with LaPolla
03:14:05 7 about Spencer?
03:14:07 8 A. No.
03:14:09 9 Q. Or about any role he had in the
03:14:11 10 process?
03:14:13 11 A. No.
03:14:15 12 Q. Anything else that you can recall
03:14:17 13 saying to the sheriff or the sheriff saying to
03:14:19 14 you?
03:14:21 15 A. No.
03:14:23 16 Q. What, if anything else, did you do
03:14:25 17 after that time?
03:14:27 18 A. That was it. Everything was --
03:14:29 19 everything was done and we just -- we just left.
03:14:31 20 Q. Do you recall if you had any
03:14:33 21 communications with Undersheriff Convery?
03:14:35 22 A. I don't remember.
03:14:37 23 Q. Do you recall if you had --
03:14:39 24 withdrawn.
03:14:41 25 Did you, yourself, conduct any kind

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1
03:14:43 2 of investigation or inquiry as to what happened?
03:14:45 3 A. No.
03:14:47 4 Q. As to why, for example, there was a
03:14:49 5 score of ten, but he wasn't on a constant watch?
03:14:51 6 A. No.
03:14:53 7 Q. Do you know if anybody asked those
03:14:55 8 questions?
03:14:57 9 A. I don't know.
03:14:59 10 Q. Do you know if anybody asked
03:15:01 11 anything about why he wasn't -- withdrawn.
03:15:03 12 Did you ever find out anything about
03:15:05 13 whether the supervisor, Sergeant LaPolla, was
03:15:07 14 notified of this score on the form?
03:15:09 15 A. Yes.
03:15:11 16 Q. How did you find that out?
03:15:13 17 A. Later on.
03:15:15 18 Q. Do you recall in what context?
03:15:17 19 A. No, I don't.
03:15:19 20 Q. Was it a verbal communication?
03:15:21 21 A. It was verbal.
03:15:23 22 Q. Do you remember who told you?
03:15:25 23 A. No.
03:15:27 24 Q. What were you told as to LaPolla's
03:15:29 25 awareness?

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1
03:14:48 2 **A. That he was notified originally of**
03:14:52 3 **Sinkov coming in -- I don't remember the**
03:15:00 4 **particulars of why he was notified -- and that**
03:15:04 5 **there was some conversation about putting him in**
03:15:08 6 **Cell 29.**

03:15:01 7 **Q. And then, what happened?**

03:15:02 8 **A. And then, I believe Vasaturo told**
03:15:08 9 **him, put him in Cell 7. And that was the end of**
03:15:12 10 **it.**

03:15:12 11 **Q. Under those circumstances, as the**
03:15:14 12 **tour supervisor, would LaPolla have had a duty to**
03:15:18 13 **inquire as to why the cell was changed?**

03:15:20 14 **MR. RANDAZZO: Objection to**
03:15:24 15 **the form.**

03:15:29 16 **You can answer it.**

03:15:31 17 **A. Yes.**

03:15:34 18 **Q. And under those circumstances, Cell 29**
03:15:37 19 **to Cell 7, is there something about that, that**
03:15:40 20 **would cause LaPolla or some tour supervisor to**
03:15:44 21 **make an inquiry?**

03:15:44 22 **A. Yes.**

03:15:44 23 **Q. What about that?**

03:15:44 24 **A. Cell 29 is in the general housing**
03:15:48 25 **area, which has a lot more traffic and a lot more**

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03:15:41 2 **staff around than Cell 7 does.**

03:15:43 3 **Q. Are they on different housing units?**

03:15:48 4 **A. Yes; and different levels.**

03:15:52 5 **Q. Does that in any way affect the tour**
03:15:54 6 **supervisor's responsibility to inquire as to why**
03:15:58 7 **the cell was changed?**

03:16:00 8 **A. Yes.**

03:16:00 9 **Q. In what way?**

03:16:01 10 **A. Observation and availability to the**
03:16:05 11 **person.**

03:16:08 12 **Q. And in Cell 29, there would have**
03:16:12 13 **been more availability, or less?**

03:16:16 14 **A. More.**

03:16:11 15 **Q. Do you know who made the**
03:16:13 16 **determination to change the cell to Cell 7?**

03:16:17 17 **A. No.**

03:16:17 18 **Q. Did you ever inquire of anybody as**
03:16:20 19 **to why that decision was made?**

03:16:22 20 **A. No.**

03:16:22 21 **Q. Do you know if anybody asked those**
03:16:24 22 **questions?**

03:16:24 23 **A. I do not, no.**

03:16:29 24 **Q. Did you ever speak with anybody**
03:16:30 25 **about what specifically LaPolla knew as to the**

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1
03:16:30 2 **level of supervision prior to Spencer's suicide?**

03:16:34 3 **A. No.**

03:16:38 4 **Q. Did you ever ask anybody as to what**
03:16:40 5 **Vasaturo communicated to LaPolla about Spencer's**
03:16:44 6 **level of supervision?**

03:16:48 7 **A. No.**

03:16:46 8 **Q. Do you know if anybody asked those**
03:16:47 9 **questions?**

03:16:47 10 **A. I do not, no.**

03:16:45 11 **Q. Did you ever have occasion to see a**
03:16:50 12 **P-1 pertaining to the cell assignment?**

03:16:52 13 **A. Yes.**

03:16:52 14 **Q. I had that marked as Exhibit 4.**
03:16:52 15 **(Handing)**

03:16:57 16 **Do you recall when you first saw**
03:16:58 17 **that?**

03:16:58 18 **A. No, I do not.**

03:16:59 19 **Q. And it says in that P-1 -- let me**
03:17:02 20 **back up for a second. The P-1 is required to be**
03:17:04 21 **done by the correction officer; correct?**

03:17:08 22 **A. Yes.**

03:17:08 23 **Q. And that would be to notify staff of**
03:17:10 24 **a supervisory -- a heightened supervisory level?**

03:17:14 25 **A. Yes.**

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03:17:14 2 **Q. And in this case, Vasaturo issued**
03:17:18 3 **the memo to All Members, Correction Division.**
03:17:21 4 **Was that standard language to send**
03:17:25 5 **it to?**

03:17:25 6 **A. Yes.**

03:17:25 7 **Q. And what is Vasaturo or the booking**
03:17:28 8 **officer required to do with the P-1 after it's**
03:17:31 9 **created?**

03:17:31 10 **A. He's required to give it to the**
03:17:33 11 **sergeant and also put one in the -- it's called a**
03:17:36 12 **P-1 briefing book.**

03:17:38 13 **Q. Where is that briefing book?**

03:17:40 14 **A. In the briefing room.**

03:17:41 15 **Q. And what happens with respect to**
03:17:42 16 **this P-1 and that briefing book?**

03:17:47 17 **A. I don't know.**

03:17:47 18 **Q. In other words, do you know if**
03:17:48 19 **people are required to review the P-1s that are**
03:17:51 20 **in the briefing book?**

03:17:52 21 **A. Yes.**

03:17:52 22 **Q. When are they required to do that?**

03:17:54 23 **A. When they report for their shift.**

03:17:56 24 **Q. And is there any oral discussion as**
03:17:58 25 **to what P-1s in the briefing book state?**

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever**A. Yes.****Q. Is that at shift change, also?****A. Yes.****Q. Is the outgoing sergeant, the one****who is going off shift, required to notify the incoming sergeant of the P-1s that are in that book?****A. Yes.****Q. And is the outgoing sergeant required to notify the incoming C.O.'s, the correction officers, as to the nature of the P-1s in that book?****A. Yes.****Q. And then, would the sergeant that is taking over, also have the responsibility to review the briefing book?****A. Yes.****Q. And also, to advise the correction officers under him or her for that shift of the nature of those P-1's?****A. Yes.****Q. And did you ask anybody in this case as to whether Sergeant LaPolla, who was going off shift, had ever seen Exhibit 4?****COMPU-TRAN SHORTHAND REPORTING**

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Robert LeFever**A. No.****Q. Did you ever ask anyone, including LaPolla, as to whether or not it was in the briefing book?****A. No.****Q. Do you know if anybody asked those questions?****A. No, I do not.****Q. Do you know if Vasaturo gave LaPolla a copy of Exhibit 4?****A. I do not know.****Q. Did you ever ask him or anybody about that?****A. No.****Q. Do you know if anybody followed up on that?****A. No.****Q. And in terms of the briefing book, did you at any point in time look through it to see if this P-1 was actually there?****A. No.****Q. Is there anything in the briefing book that would indicate, for example, a date and time as to when the P-1 is placed in that book?****COMPU-TRAN SHORTHAND REPORTING****Robert LeFever****A.****Q. Did you ever ask anybody as to whether the incoming shift -- those who came in after Spencer was taken into the facility -- were told about anything concerning that P-1?****A. No.****Q. Do you know if anybody asked those questions?****A. No.****Q. Do you know who the sergeant was that was -- withdrawn.****Was it sergeant LaPolla that was on shift when Spencer came into the facility?****A. Yes.****Q. And then Spencer's suicide occurred at the very next shift; correct?****A. Correct.****Q. That was under Sergeant Jackson?****A. Yes.****Q. Was Sergeant LaPolla and Sergeant Jackson at that time the highest ranking members in the Putnam County Correctional Facility?****A. Yes.****Q. The P-1 pertaining to Spencer Sinkov****COMPU-TRAN SHORTHAND REPORTING**

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Robert LeFever**Q. refers to "15-minute supervisory check, due to resent use of drugs and answers given on the suicide screening."****Do you see that?****A. Yes.****Q. Under those circumstances, would it have been the responsibility of LaPolla to do anything?****A. Yes.****Q. What?****A. Find out what the details are on that.****Q. And how would he go about doing that?****A. Talking to Officer Vasaturo and looking at all the intake records.****Q. Including the suicide screening form?****A. Yes.****Q. Do you know if LaPolla did that?****A. I do not, no.****Q. Do you know if anybody followed up to ask if he had done that?****A. I don't know.****COMPU-TRAN SHORTHAND REPORTING**

1 **Robert LeFever**
 03:20:57 2 **Q.** Based on your review of Exhibit 3,
 03:21:00 3 the suicide screening form pertaining to Spencer,
 03:21:03 4 other than the fact that he scored ten on the
 03:21:06 5 form, is there any other reason why he would have
 03:21:10 6 been required to be placed on a constant watch?
 03:21:13 7 **A. No.**
 03:21:16 8 **Q.** Including anything about the shaded
 03:21:19 9 boxes?
 03:21:22 10 **A. No.**
 03:21:25 11 **Q.** Did you ever speak with Vasaturo at
 03:21:28 12 any point in time about whether or not he made
 03:21:31 13 any mistakes in filling out Exhibit 3?
 03:21:34 14 **A. No.**
 03:21:37 15 **Q.** Did anybody ever tell you, in words
 03:21:40 16 or substance, that Vasaturo claimed he
 03:21:43 17 inappropriately checked "Yes" when the answer
 03:21:46 18 should have been "No"?
 03:21:49 19 **A. I don't remember.**
 03:21:52 20 **Q.** Or vice-versa?
 03:21:55 21 **A. I don't remember.**
 03:21:58 22 **Q.** Did Vasaturo ever tell you, either
 03:22:01 23 verbally or in writing, that, in fact, looking at
 03:22:04 24 the form recently, he would have said that
 03:22:07 25 Spencer's score would have been below eight?
 COMPU-TRAN SHORTHAND REPORTING

1 **Robert LeFever**
 03:22:10 2 **A. No.**
 03:22:13 3 **Q.** When did you first come to learn
 03:22:16 4 that the Commission of Correction was going to be
 03:22:19 5 doing an investigation?
 03:22:22 6 **A. Within 24 hours of the incident.**
 03:22:25 7 **Q.** Did you speak with anybody from the
 03:22:28 8 Commission --
 03:22:31 9 **A. I may have.**
 03:22:34 10 **Q.** -- at or about that time?
 03:22:37 11 **A. I may have.**
 03:22:40 12 **Q.** Do you recall who?
 03:22:43 13 **A. No.**
 03:22:46 14 **Q.** Do you recall somebody from the
 03:22:49 15 Commission contacting you and discussing with you
 03:22:52 16 specifically the suicide screening form?
 03:22:55 17 **A. No.**
 03:22:58 18 **Q.** Did you ever discuss with LaPolla
 03:23:01 19 whether or not he was aware of the score on the
 03:23:04 20 suicide screening form at any point in time prior
 03:23:07 21 to Spencer's suicide?
 03:23:10 22 **A. No.**
 03:23:13 23 **Q.** Did anybody ever indicate to you
 03:23:16 24 that LaPolla claimed he was only notified about
 03:23:19 25 the recent use of drugs, and not the score on the
 COMPU-TRAN SHORTHAND REPORTING

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 1 **Robert LeFever**
 03:23:22 2 **A. No.**
 03:23:25 3 **Q.** To your knowledge, did anybody ever
 03:23:28 4 ask Vasaturo any specifics about the intake
 03:23:31 5 process?
 03:23:34 6 **A. I don't know.**
 03:23:37 7 **Q.** Did you ever review any statements
 03:23:40 8 that were given in writing by individuals who
 03:23:43 9 were questioned by the Putnam County Sheriff's
 03:23:46 10 investigators?
 03:23:49 11 **A. No.**
 03:23:52 12 **Q.** Do you know if anybody reviewed
 03:23:55 13 those?
 03:23:58 14 **A. I do not, no.**
 03:24:01 15 **Q.** During any of the staff meetings you
 03:24:04 16 attended or any other discussions with
 03:24:07 17 administration, did you ever come to learn what
 03:24:10 18 that investigation revealed?
 03:24:13 19 **A. No.**
 03:24:16 20 **Q.** Did you ever see any report on the
 03:24:19 21 investigation?
 03:24:22 22 **A. From the Commission of Corrections.**
 03:24:25 23 **Q.** I'm talking about the Putnam County
 03:24:28 24 Sheriff's investigators, though - any report or
 03:24:31 25 summary of their findings?
 COMPU-TRAN SHORTHAND REPORTING

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 1 **Robert LeFever**
 03:24:34 2 screening form?
 03:24:37 3 **A. No.**
 03:24:40 4 **Q.** Do you know if anybody asked
 03:24:43 5 questions of LaPolla or anybody else about
 03:24:46 6 specifically what LaPolla knew prior to Spencer's
 03:24:49 7 suicide?
 03:24:52 8 **A. No.**
 03:24:55 9 **Q.** On the form, itself, there's a
 03:24:58 10 section which refers to "Mental Health Referral;"
 03:25:01 11 right?
 03:25:04 12 **A. Yes, yes.**
 03:25:07 13 **Q.** And that part of Spencer's suicide
 03:25:10 14 screening form is blank; correct?
 03:25:13 15 **A. Yes.**
 03:25:16 16 **Q.** Under the circumstances where
 03:25:19 17 somebody scores ten or higher -- I'm sorry; eight
 03:25:22 18 or higher, I believe, earlier, you said that a
 03:25:25 19 Mental Health Referral Routing Sheet would be
 03:25:28 20 done?
 03:25:31 21 **A. Yes.**
 03:25:34 22 **Q.** That's the same as the mental health
 03:25:37 23 referral form that's referred to there?
 03:25:40 24 **A. Yes.**
 03:25:43 25 **Q.** And in this case, looking at
 COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

03:24:08 2 Exhibit 3, would it have been required for
03:24:12 3 Spencer to have a mental health referral at
03:24:16 4 intake?
03:24:16 5 **A. Yes.**
03:24:20 6 **Q.** And can you tell from this whether
03:24:22 7 or not it was ever done?
03:24:24 8 **A. No.**
03:24:26 9 **Q.** It doesn't appear that it was,
03:24:28 10 though; correct?
03:24:30 11 **A. Correct.**
03:24:32 12 **Q.** Did you ever inquire of anybody as
03:24:34 13 to whether a mental health referral was ever
03:24:36 14 made?
03:24:38 15 **A. No.**
03:24:40 16 **Q.** Did you ever see any documents
03:24:42 17 indicating that a mental health referral was
03:24:44 18 made?
03:24:46 19 **A. I don't remember.**
03:24:48 20 **Q.** Did you ever see Exhibit 5, which is
03:24:50 21 a Mental Health Referral Routing Sheet completed
03:24:52 22 by Susan Waters? (Handing)
03:24:54 23 **A. I don't recall.**
03:24:56 24 **Q.** Did you ever speak with Susan Waters
03:24:58 25 about anything concerning her interactions with
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

03:25:00 2 **Q.** How did you find that out?
03:25:02 3 **A. That day, someone told me.**
03:25:04 4 **Q.** After you responded --
03:25:06 5 **A. Yes.**
03:25:08 6 **Q.** -- when you got the call about the
03:25:10 7 suicide?
03:25:12 8 **A. Yes.**
03:25:14 9 **Q.** Do you recall who communicated that
03:25:16 10 to you?
03:25:18 11 **A. No.**
03:25:20 12 **Q.** Do you recall what, in substance,
03:25:22 13 you were told, other than the fact that he had a
03:25:24 14 visit?
03:25:26 15 **A. Only that he had a visit with his**
03:25:28 16 **parents.**
03:25:30 17 **Q.** Did you learn anything about what
03:25:32 18 was said during that discussion?
03:25:34 19 **A. No.**
03:25:36 20 **Q.** Are there any policies or procedures
03:25:38 21 at the Putnam County Correctional Facility
03:25:40 22 regarding who is responsible for providing any
03:25:42 23 resuscitation, CPR efforts in the event that an
03:25:44 24 inmate appears to be in need of them?
03:25:46 25 **A. No.**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

03:25:50 2 Spencer?
03:25:52 3 **A. No.**
03:25:54 4 **Q.** Did you speak with anybody from
03:25:56 5 AmeriCor about their interactions with Spencer?
03:25:58 6 **A. No.**
03:26:00 7 **Q.** Did you know Nurse Peter Clarke?
03:26:02 8 **A. Yes.**
03:26:04 9 **Q.** And did you ever have any
03:26:06 10 conversations with him about the intake of
03:26:08 11 Spencer --
03:26:10 12 **A. No.**
03:26:12 13 **Q.** -- or anything else pertaining to
03:26:14 14 his interactions with him?
03:26:16 15 **A. No.**
03:26:18 16 **Q.** Did you ever speak with Officer
03:26:20 17 Wendover about anything concerning his
03:26:22 18 interactions with Spencer?
03:26:24 19 **A. No.**
03:26:26 20 **Q.** How about Officer Oliver - any
03:26:28 21 conversations with him about Spencer?
03:26:30 22 **A. No.**
03:26:32 23 **Q.** Were you aware at some point in time
03:26:34 24 that Spencer had received a visit?
03:26:36 25 **A. Yes.**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

03:26:38 2 **Q.** Can correction officers and medical
03:26:40 3 staff both do that?
03:26:42 4 **A. Yes.**
03:26:44 5 **Q.** Are you aware of any policies or
03:26:46 6 procedures that indicate who is permitted to stop
03:26:48 7 resuscitation efforts?
03:26:50 8 **A. Once you start, you can't stop.**
03:26:52 9 **Q.** Until what?
03:26:54 10 **A. Until you're relieved by a higher-**
03:26:56 11 **trained person.**
03:26:58 12 **Q.** What does that mean in terms of
03:27:00 13 "higher-trained person"?
03:27:02 14 **A. Well, if you're an EMT, a paramedic**
03:27:04 15 **can relieve you. And then I believe a paramedic**
03:27:06 16 **has to confer with the hospital or doctor.**
03:27:08 17 **Q.** And in terms of a nurse -- say, an
03:27:10 18 AmeriCor nurse, are they permitted to stop CPR?
03:27:12 19 **A. I don't know.**
03:27:14 20 **Q.** Do you know of any policies or
03:27:16 21 procedures on that?
03:27:18 22 **A. No.**
03:27:20 23 **Q.** If a correction officer had started
03:27:22 24 CPR and an AmeriCor nurse came in, could an
03:27:24 25 AmeriCor nurse stop the procedures?
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
03:26:53 2 **A. I don't know.**
03:26:55 3 **Q. Are you aware of any requirement**
03:27:04 4 **that the hospital or doctor be notified prior to**
03:27:05 5 **CPR being stopped?**
03:27:06 6 **A. No.**
03:27:06 7 **Q. Are you aware of any requirement**
03:27:06 8 **that the ambulance, EMT, or paramedic staff**
03:27:06 9 **actually stop CPR?**
03:27:14 10 **A. No.**
03:27:14 11 **Q. Did you speak with somebody from the**
03:27:18 12 **Commission on one occasion or more than one**
03:27:20 13 **occasion pertaining to Spencer's Sinkov?**
03:27:20 14 **A. More than one occasion.**
03:27:24 15 **Q. And do you recall if you spoke with**
03:27:26 16 **the same person each time?**
03:27:27 17 **A. No.**
03:27:27 18 **Q. Do you remember who you spoke with?**
03:27:25 19 **A. No.**
03:27:29 20 **Q. In substance, what were you asked,**
03:27:31 21 **and what did you communicate?**
03:27:32 22 **A. Just to, you know, get -- they**
03:27:36 23 **called initially -- we have to report the**
03:27:37 24 **incident within six hours. And they called back**
03:27:38 25 **within 24, you know, to get some highlights of**
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
03:27:42 2 **what happened. Then, you know, I was putting the**
03:27:44 3 **documents together. Then, I sent a letter for --**
03:27:48 4 **to have staff ready for investigation purposes.**
03:27:50 5 **And more documents. That type of thing.**
03:27:52 6 **Q. And in terms of the letter for staff**
03:27:54 7 **to be available for investigation purposes, did**
03:27:57 8 **you speak with any of those staff before they met**
03:27:59 9 **with the commissioners or the investigators?**
03:28:01 10 **A. I may have.**
03:28:02 11 **Q. Do you recall if you told them**
03:28:03 12 **anything about what they were being -- going to**
03:28:06 13 **be asked?**
03:28:06 14 **A. Tell the truth.**
03:28:06 15 **Q. Do you recall if you said that?**
03:28:07 16 **A. I probably did, yes.**
03:28:08 17 **Q. You're saying, "probably." Do you**
03:28:11 18 **have a recollection?**
03:28:12 19 **A. Yes, I did.**
03:28:12 20 **Q. Who did you speak with?**
03:28:13 21 **A. That, I don't remember.**
03:28:13 22 **Q. Do you remember if you asked them**
03:28:13 23 **any questions about what they recalled from that**
03:28:22 24 **day?**
03:28:22 25 **A. I did not ask them any questions.**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
03:28:23 2 **Q. Do you provide them with any**
03:28:25 3 **documents?**
03:28:25 4 **A. I don't believe so.**
03:28:25 5 **Q. Were you ever questioned in a formal**
03:28:29 6 **setting by an investigator?**
03:28:31 7 **A. No.**
03:28:31 8 **Q. Do you recall what documents you put**
03:28:35 9 **together to provide to the commissioner?**
03:28:36 10 **A. I have a clarification.**
03:28:37 11 **Q. Yes, go ahead.**
03:28:39 12 **A. Officer Wendover asked for a copy of**
03:28:43 13 **Wendover's statement, of his statement.**
03:28:45 14 **Q. And where did you get that statement**
03:28:52 15 **from, to give to him?**
03:28:53 16 **A. Out of the records prepared for the**
03:28:57 17 **Commission of Corrections.**
03:28:55 18 **Q. That was the statement he gave to**
03:28:59 19 **BCI?**
03:29:00 20 **A. Yes.**
03:29:02 21 **Q. Did you give anybody else a copy of**
03:29:03 22 **their statements?**
03:29:04 23 **A. I don't believe so.**
03:29:06 24 **Q. Do you recall discussing with**
03:29:08 25 **anybody from the Commission anything about the**
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
03:29:11 2 **ADM 330?**
03:29:12 3 **A. No.**
03:29:12 4 **Q. Do you recall discussing with**
03:29:16 5 **anybody from the Commission about Spencer not**
03:29:19 6 **being on a constant watch?**
03:29:20 7 **A. No.**
03:29:20 8 **Q. Do you recall telling anybody at the**
03:29:21 9 **Commission that there was no mental health**
03:29:27 10 **referral done?**
03:29:27 11 **A. No.**
03:29:28 12 **Q. Do you recall telling anybody at the**
03:29:31 13 **Commission that Spencer was declared dead at the**
03:29:35 14 **emergency room?**
03:29:35 15 **A. No.**
03:29:36 16 **Q. Do you recall telling anybody at the**
03:29:39 17 **Commission anything about CPR?**
03:29:40 18 **A. No.**
03:29:41 19 **Q. Did you ever see the report that the**
03:29:47 20 **state Commission issued?**
03:29:48 21 **A. Yes.**
03:29:48 22 **Q. Under what circumstances did you see**
03:29:50 23 **that?**
03:29:50 24 **A. A copy. I got a copy of it.**
03:29:54 25 **Q. And do you recall who provided you**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 with that?

03:20:00 2 **A. No, I don't.**

03:20:00 3 **Q. Was it sent to you in the mail or**

03:20:00 4 **somebody gave it to you physically?**

03:20:05 5 **A. I don't remember if it was in the**

03:20:05 6 **mail or from the sheriff.**

03:20:07 7 **Q. Did you have any conversations with**

03:20:09 8 **anybody about what was contained in the report?**

03:20:11 9 **A. No.**

03:20:11 10 **Q. Including in any staff meeting?**

03:20:15 11 **A. No.**

03:20:15 12 **Q. Did you speak with any of your**

03:20:20 13 **subordinates - lieutenant, sergeants, correction**

03:20:24 14 **officers - about anything in that report?**

03:20:25 15 **A. No.**

03:20:25 16 **Q. Do you recall in substance the**

03:20:27 17 **report concluded that there was a failure on the**

03:20:29 18 **intake officer's, Correction Officer Vasaturo's,**

03:20:29 19 **part with respect to that intake process?**

03:20:34 20 **A. Yes.**

03:20:34 21 **Q. Do you recall there was also a**

03:20:40 22 **conclusion by the Commission that there was a**

03:20:43 23 **failure on LaPolla to follow through with his**

03:20:45 24 **duties and responsibilities?**

03:20:45 25

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Robert LeFever

03:20:46 1 **A. Yes.**

03:20:46 2 **Q. Did you ever take any measures with**

03:20:49 3 **respect to Vasaturo to counsel him, institute any**

03:20:52 4 **kind of training or corrective action as a result**

03:20:55 5 **of that?**

03:20:55 6 **A. No.**

03:20:55 7 **Q. Do you know if any such action's**

03:20:58 8 **been taken by anyone else?**

03:21:00 9 **A. No.**

03:21:01 10 **Q. Did you ever discuss with anybody**

03:21:02 11 **anything about possible action against Vasaturo?**

03:21:04 12 **A. With the sheriff.**

03:21:05 13 **Q. When did you have those discussions?**

03:21:07 14 **A. I believe it's October of 2006.**

03:21:11 15 **Q. Was that the first time?**

03:21:12 16 **A. I believe so.**

03:21:13 17 **Q. How did that come about? Did you**

03:21:15 18 **approach the sheriff, or did he approach you?**

03:21:17 19 **A. I don't remember who approached**

03:21:19 20 **whom.**

03:21:20 21 **Q. In substance, what did you say and**

03:21:20 22 **what did he say?**

03:21:21 23 **A. We were just talking about the**

03:21:23 24 **Commission report, and I said they didn't do**

03:21:23 25

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

03:21:26 1 **their job and they should be fired.**

03:21:28 2 **Q. And when you say you were talking**

03:21:29 3 **about the Commission report, were you talking**

03:21:34 4 **about the parts pertaining to Vasaturo and**

03:21:36 5 **LaPolla?**

03:21:36 6 **A. The whole report in general.**

03:21:39 7 **Q. But in terms of your comment that**

03:21:40 8 **they didn't do their jobs and should be fired,**

03:21:45 9 **you were referring to both Vasaturo and LaPolla?**

03:21:48 10 **A. Yes.**

03:21:47 11 **Q. Did the sheriff respond?**

03:21:49 12 **A. No, he did not.**

03:21:50 13 **Q. Anything else that you can recall**

03:21:53 14 **saying?**

03:21:53 15 **A. No.**

03:21:54 16 **Q. Anything that you can recall the**

03:21:58 17 **sheriff saying?**

03:21:57 18 **A. No.**

03:21:57 19 **Q. Other than in reference to Vasaturo**

03:22:00 20 **and LaPolla, do you recall if you discussed**

03:22:02 21 **anything else specific with Sheriff Smith?**

03:22:06 22 **A. No.**

03:22:06 23 **Q. Did you discuss anything with him**

03:22:08 24 **about AmeriCor?**

03:22:08 25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

03:22:08 1 **A. Not that I remember.**

03:22:09 2 **Q. And do you know if anything has been**

03:22:18 3 **done either before or after October of '06 with**

03:22:21 4 **respect to Vasaturo and LaPolla?**

03:22:25 5 **A. No.**

03:22:27 6 **Q. Did you personally ever counsel,**

03:22:35 7 **criticize, take any kind of action yourself, to**

03:22:36 8 **further train or instruct LaPolla?**

03:22:41 9 **A. No.**

03:22:41 10 **Q. Do you know if anybody did that?**

03:22:43 11 **A. No, I do not know.**

03:22:44 12 **Q. Are you aware of any changes with**

03:22:51 13 **respect to what AmeriCor does, either in the**

03:22:54 14 **intake process or otherwise, since Spencer's**

03:22:57 15 **death?**

03:22:58 16 **A. The only change that I'm aware of is**

03:23:05 17 **they do baseline, now, blood pressure and pulse.**

03:23:05 18 **Q. And do you know how that came about?**

03:23:05 19 **A. I don't remember.**

03:23:05 20 **Q. And do you know if that was in any**

03:23:10 21 **way related to the Commission's report?**

03:23:10 22 **A. I believe it was a recommendation by**

03:23:16 23 **the Commission.**

03:23:17 24 **Q. Did you ever have any conversations**

03:23:17 25

COMPU-TRAN SHORTHAND REPORTING

1 **Robert LeFever**
 03:33:20 2 with Smith about whether or not AmeriCor should
 03:33:22 3 be doing vitals?
 03:33:24 4 **A. No.**
 03:33:26 5 **Q.** And do you recall when it was that
 03:33:28 6 they began doing vitals?
 03:33:29 7 **A. No, I don't.**
 03:33:30 8 **Q.** Do you remember if it was at or
 03:33:32 9 about the time you spoke with Smith about
 03:33:34 10 Vasaturo and LaPolla not doing their jobs?
 03:33:37 11 **A. It would be sometime after the**
 03:33:40 12 **Commission's report was issued.**
 03:33:42 13 **Q.** Did you ever speak with anybody from
 03:33:44 14 AmeriCor about any of their policies or
 03:33:46 15 procedures?
 03:33:48 16 **A. No.**
 03:33:50 17 **Q.** Or about anything that they should
 03:33:52 18 be doing differently?
 03:33:54 19 **A. No.**
 03:33:56 20 **Q.** Did you ever have occasion to see
 03:33:58 21 any AmeriCor policies or procedures?
 03:34:00 22 **A. Yes.**
 03:34:02 23 **Q.** Under what circumstances?
 03:34:04 24 **A. Just in general conversation and**
 03:34:06 25 **talking to the staff.**
 COMPU-TRAN SHORTHAND REPORTING

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1 **Robert LeFever**
 03:34:08 2 **Q.** Which staff?
 03:34:10 3 **A. Medical staff.**
 03:34:12 4 **Q.** And can you tell me what occasioned
 03:34:14 5 you to have those discussions with medical staff?
 03:34:16 6 **A. Just talking about an inmate with**
 03:34:18 7 **high blood pressure/hypertension. And we looked**
 03:34:20 8 **at, you know, what they're doing for them. That**
 03:34:22 9 **type of thing.**
 03:34:24 10 **Q.** How often did you do that?
 03:34:26 11 **A. Weekly.**
 03:34:28 12 **Q.** Did you ever have occasion to review
 03:34:30 13 anything about the screening process or the
 03:34:32 14 intake process?
 03:34:34 15 **A. No.**
 03:34:36 16 **Q.** Did you ever have occasion to review
 03:34:38 17 anything with the medical staff about individuals
 03:34:40 18 who have a risk of progressing into having
 03:34:42 19 withdrawal symptoms?
 03:34:44 20 **A. No.**
 03:34:46 21 **Q.** Did you ever have any discussions or
 03:34:48 22 review of any policies or procedures pertaining
 03:34:50 23 to inmates who were intoxicated or under the
 03:34:52 24 influence?
 03:34:54 25 **A. No.**
 COMPU-TRAN SHORTHAND REPORTING

1 **Robert LeFever**
 03:34:44 2 **Q.** Did you ever see any policies or
 03:34:46 3 procedures that require AmeriCor staff to
 03:34:48 4 communicate with correction officers about the
 03:34:50 5 suicide screening form results?
 03:34:52 6 **A. No.**
 03:34:54 7 **Q.** Any other changes in AmeriCor's
 03:34:56 8 practices as far as you know since Spencer's
 03:34:58 9 death?
 03:35:00 10 **A. No.**
 03:35:02 11 **Q.** Were there any policies or
 03:35:04 12 procedures -- withdrawn.
 03:35:06 13 Were you aware of any communications
 03:35:08 14 that Sheriff Smith was having with the
 03:35:10 15 Commission?
 03:35:12 16 **A. No.**
 03:35:14 17 **Q.** Did you assist him in any way in
 03:35:16 18 drafting any correspondence to the Commission?
 03:35:18 19 **A. Yes.**
 03:35:20 20 **Q.** And do you recall when that was?
 03:35:22 21 **A. In the summer of '06.**
 03:35:24 22 **Q.** And do you recall if that was a
 03:35:26 23 letter in response to the Commission's
 03:35:28 24 preliminary findings?
 03:35:30 25 **A. No. It was in response -- it was**
 COMPU-TRAN SHORTHAND REPORTING

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1 **Robert LeFever**
 03:35:32 2 **gathering the documents for the investigation.**
 03:35:34 3 **Q.** Other than that, do you recall if
 03:35:36 4 you assisted Smith in preparing any
 03:35:38 5 correspondence to the Commission?
 03:35:40 6 **A. No.**
 03:35:42 7 **Q.** Did you ever see any documents that
 03:35:44 8 Smith sent to the Commission in terms of a letter
 03:35:46 9 that he wrote?
 03:35:48 10 **A. Yes.**
 03:35:50 11 **Q.** And do you recall under what
 03:35:52 12 circumstances you saw that?
 03:35:54 13 **A. I got a copy of it.**
 03:35:56 14 **Q.** Were you carbon copied on it?
 03:35:58 15 **A. Yes.**
 03:36:00 16 **Q.** Did you have conversations with
 03:36:02 17 anybody about the contents of that letter?
 03:36:04 18 **A. I don't remember.**
 03:36:06 19 **Q.** I'm going to show you what was
 03:36:08 20 marked as Exhibit 25, which is a compilation of
 03:36:10 21 documents, but it was part of the documents that
 03:36:12 22 AmeriCor produced during this case. And
 03:36:14 23 specifically, if you take a look at the Bates
 03:36:16 24 stamp at the bottom, 545, it's the fifth page in.
 03:36:18 25 Do you see at the bottom where it
 COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
00:37:00 2 says A-M-E-R, and it has a lot of zeroes and a
00:37:04 3 number?
00:37:08 4 A. Yes.
00:37:12 5 Q. I'm just going to refer to the last
00:37:16 6 three, which is 545.
00:37:18 7 A. Yes.
00:37:20 8 Q. Schedule A, Scope of Services.
00:37:22 9 Do you recall seeing AmeriCor, in
00:37:24 10 writing, present to the Putnam County Sheriff's
00:37:26 11 Department a schedule of services they intended
00:37:28 12 to provide for the jail?
00:37:30 13 A. Yes.
00:37:32 14 Q. And do you recall if that was when
00:37:34 15 the initial contract was entered into?
00:37:36 16 A. Yes.
00:37:38 17 Q. Has that been provided since then?
00:37:40 18 A. No.
00:37:42 19 Q. Take a look, if you would, at the
00:37:44 20 page that's Bates stamped 557 at the bottom
00:37:46 21 right.
00:37:48 22 A. (Witness complies)
00:37:50 23 Q. Section 1.8, Receiving Screening.
00:37:52 24 The second sentence refers to, "Our staff will,
00:37:54 25 therefore, follow existing procedures that call
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
00:38:00 2 for the booking officer to complete an Inmate
00:38:02 3 Medical Record and a Suicide Prevention Screening
00:38:04 4 on each inmate."
00:38:06 5 Do you see that?
00:38:08 6 A. Yes.
00:38:10 7 Q. Do you recall if you went over with
00:38:12 8 anybody from AmeriCor any existing procedures
00:38:14 9 that were in place at the time?
00:38:16 10 A. Yes, we did.
00:38:18 11 Q. You did, personally?
00:38:20 12 A. Yes.
00:38:22 13 Q. Who did you speak with?
00:38:24 14 A. The president, Kevin Duffy.
00:38:26 15 Q. Did you provide Kevin Duffy with
00:38:28 16 anything in writing as to those procedures?
00:38:30 17 A. Don't remember.
00:38:32 18 Q. Do you recall what was communicated
00:38:34 19 to him in terms of the substance of those
00:38:36 20 procedures?
00:38:38 21 A. No, I don't remember.
00:38:40 22 Q. The last sentence on that page
00:38:42 23 continues to the next page, "A registered nurse
00:38:44 24 will then review these forms and as necessary,
00:38:46 25 perform additional evaluations and tuberculosis
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
00:38:50 2 screening.
00:38:52 3 Do you see that?
00:38:54 4 A. Yes.
00:38:56 5 Q. Did you ever have the understanding
00:38:58 6 that, as what's contained here, AmeriCor nursing
00:39:00 7 staff would review the Suicide Prevention
00:39:02 8 Screening forms?
00:39:04 9 A. No.
00:39:06 10 Q. Even though that's what it appears
00:39:08 11 to say?
00:39:10 12 A. Correct.
00:39:12 13 Q. Did you have any conversations with
00:39:14 14 anybody about why Schedule A provided that, but
00:39:16 15 it wasn't actually done?
00:39:18 16 A. No.
00:39:20 17 Q. Do you know who made that decision?
00:39:22 18 A. No.
00:39:24 19 Q. On the next page, Bates stamped 558,
00:39:26 20 the paragraph below number six says, "A
00:39:28 21 registered nurse will promptly review all
00:39:30 22 Receiving Screenings. Inmates who require
00:39:32 23 treatment will be treated at that time and if
00:39:34 24 necessary, referred to the physician for
00:39:36 25 appropriate follow up. Any inmate with a mental
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
00:39:40 2 health condition will be referred to mental
00:39:42 3 health personnel for evaluation and treatment.
00:39:44 4 Inmates that receive a suicide screen score of
00:39:46 5 eight or higher, or who answer yes to questions
00:39:48 6 one, eight, nine, 10B, 11, or 16B, will be
00:39:50 7 referred to mental health staff for further
00:39:52 8 evaluation."
00:39:54 9 Do you see that?
00:39:56 10 A. Yes.
00:39:58 11 Q. And did you know of any
00:40:00 12 responsibility that the nurses had for what's
00:40:02 13 contained here - reviewing the screening and
00:40:04 14 referring people to mental health staff if eight
00:40:06 15 or higher or certain questions were answered yes?
00:40:08 16 A. Yes.
00:40:10 17 Q. And what was your understanding of
00:40:12 18 the nurse's responsibility?
00:40:14 19 A. That they would ensure that the
00:40:16 20 referral form was done, or a complete one, and
00:40:18 21 then notify the mental health staff.
00:40:20 22 Q. Who would do that?
00:40:22 23 A. The nurse.
00:40:24 24 Q. And that was true both before and
00:40:26 25 after Spencer's death?
COMPU-TRAN SHORTHAND REPORTING

1 **Robert LeFever**
 03:42:35 2 **A. Yes.**
 03:42:35 3 **Q. Was there any change to that process**
 03:42:35 4 **at any point in time?**
 03:42:35 5 **A. No.**
 03:42:35 6 **Q. And in terms of the nurse making the**
 03:42:35 7 **appropriate referral or ensuring that the**
 03:42:35 8 **appropriate referral was made, how would they**
 03:42:35 9 **know if the inmate received a screen score of**
 03:42:35 10 **eight or higher or answered yes to those**
 03:42:35 11 **questions?**
 03:42:35 12 **A. Well, they would be told; but also,**
 03:42:35 13 **they get the medical screening from booking.**
 03:42:35 14 **Q. So, they actually receive a copy?**
 03:42:35 15 **A. They receive the original.**
 03:42:35 16 **Q. And when in the process does the**
 03:42:35 17 **AmeriCor nursing staff receive the original of**
 03:42:35 18 **that?**
 03:42:35 19 **A. Within two hours of admission.**
 03:42:35 20 **Q. And what, if anything -- withdrawn.**
 03:42:35 21 **You said they are told verbally,**
 03:42:35 22 **also?**
 03:42:35 23 **A. Yes.**
 03:42:35 24 **Q. Is there any policy or procedure at**
 03:42:35 25 **the jail that requires the sergeant or correction**
 COMPU-TRAN SHORTHAND REPORTING

1 **Robert LeFever**
 03:42:35 2 **Q. Do you know when that is?**
 03:42:35 3 **A. No.**
 03:42:35 4 **Q. Is it every day that a mental health**
 03:42:35 5 **person is in the jail?**
 03:42:35 6 **A. No, they are not in every day.**
 03:42:35 7 **Q. Do you know how often they are in**
 03:42:35 8 **the jail?**
 03:42:35 9 **A. Twelve hours a week.**
 03:42:35 10 **Q. So, if somebody such as Spencer came**
 03:42:35 11 **in on a Saturday, do you know when the next**
 03:42:35 12 **opportunity would be for a mental health staff**
 03:42:35 13 **person to review his case?**
 03:42:35 14 **A. Monday afternoon.**
 03:42:35 15 **Q. Is that when they're always there?**
 03:42:35 16 **A. That's when the psychiatrist comes**
 03:42:35 17 **in.**
 03:42:35 18 **Q. For how long has that been true?**
 03:42:35 19 **A. Five years.**
 03:42:35 20 **Q. Since AmeriCor's been there?**
 03:42:35 21 **A. Yes.**
 03:42:35 22 **Q. Take a look, if you would, at the**
 03:42:35 23 **page that's Bates stamped 561.**
 03:42:35 24 **A. (Witness complies)**
 03:42:35 25 **Q. Do you recall at any point in time**
 COMPU-TRAN SHORTHAND REPORTING

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 1 **Robert LeFever**
 03:42:35 2 **officer at intake to notify nursing staff if the**
 03:42:35 3 **score is eight or higher?**
 03:42:35 4 **A. No.**
 03:42:35 5 **Q. Or if those questions that I had**
 03:42:35 6 **listed are answered yes?**
 03:42:35 7 **A. No.**
 03:42:35 8 **Q. So, in terms of verbal**
 03:42:35 9 **communication, how would a correction officer or**
 03:42:35 10 **sergeant know they had to make that**
 03:42:35 11 **communication, or would they not know?**
 03:42:35 12 **A. They're told to do it.**
 03:42:35 13 **Q. In what form or context?**
 03:42:35 14 **A. Well, again, it's the training you**
 03:42:35 15 **get when you got into booking by the booking**
 03:42:35 16 **officer -- here's what you have to do.**
 03:42:35 17 **Q. Do you know if that was ever**
 03:42:35 18 **communicated, though, as part of training?**
 03:42:35 19 **A. I don't know.**
 03:42:35 20 **Q. In terms of referring to mental**
 03:42:35 21 **health, do you know if there are any policies or**
 03:42:35 22 **procedures as to when a mental health**
 03:42:35 23 **professional will then review the inmate's**
 03:42:35 24 **situation?**
 03:42:35 25 **A. At the earliest opportunity.**
 COMPU-TRAN SHORTHAND REPORTING

156
 1 **Robert LeFever**
 03:42:35 2 **seeing anything pertaining to what AmeriCor**
 03:42:35 3 **proposed it would do as part of the contract**
 03:42:35 4 **regarding detoxification?**
 03:42:35 5 **A. Yes.**
 03:42:35 6 **Q. At the bottom of that page, it**
 03:42:35 7 **says -- I'm sorry. At the first paragraph under**
 03:42:35 8 **Section 1.11: "Nurses will record vital signs;**
 03:42:35 9 **Record any symptoms or signs of dependence and as**
 03:42:35 10 **needed, contact the physician for individual**
 03:42:35 11 **detoxification orders."**
 03:42:35 12 **Do you see that?**
 03:42:35 13 **A. Yes.**
 03:42:35 14 **Q. Earlier, you indicated that nurses**
 03:42:35 15 **were not recording vital signs; correct?**
 03:42:35 16 **A. In regards to suicide screening,**
 03:42:35 17 **they weren't, no.**
 03:42:35 18 **Q. Well, were they recording them at**
 03:42:35 19 **intake in any way?**
 03:42:35 20 **A. I don't -- I don't know.**
 03:42:35 21 **Q. But you know that since**
 03:42:35 22 **approximately a year and a half ago, they have**
 03:42:35 23 **been doing that?**
 03:42:35 24 **A. On the suicide screening, yes.**
 03:42:35 25 **Q. They physically put the vital signs**
 COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 on the suicide screening?

2 **A. They take them in regards to a**

3 **suicide screening.**

4 **Q. Prior to that, did you know if they**

5 **took vital signs at all?**

6 **A. I don't know.**

7 **Q. In terms of recording vital signs or**

8 **recording symptoms of dependence, do you know**

9 **where that recording takes place?**

10 **A. No.**

11 **Q. Have you ever seen any documents**

12 **that nurses are required to fill out?**

13 **A. Yes.**

14 **Q. Such as Progress Notes?**

15 **A. Yes.**

16 **Q. Did you ever review any Progress**

17 **Notes in Spencer's case?**

18 **A. No.**

19 **Q. Did you ever see Exhibit 26, which**

20 **is a Progress Note by Peter Clarke?**

21 **A. Yes.**

22 **Q. Do you recall under what**

23 **circumstances you saw that?**

24 **A. When I was preparing the documents**

25 **COMPU-TRAN SHORTHAND REPORTING**

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Robert LeFever

1 **for the Commission of Corrections.**

2 **Q. In that note it indicates, "Will**

3 **monitor."**

4 **Do you see that?**

5 **A. Yes.**

6 **Q. Did you ever ask anybody what that**

7 **meant?**

8 **A. No.**

9 **Q. Or whether Clarke did any**

10 **monitoring?**

11 **A. No.**

12 **Q. Do you know if anybody asked those**

13 **questions?**

14 **A. I don't know.**

15 **Q. Did you ever see Exhibit 27, which**

16 **is the same Progress Note, but below it, it has**

17 **the notes of Susan Waters?**

18 **A. Yes.**

19 **Q. Do you recall if you saw that at the**

20 **same time?**

21 **A. Same time.**

22 **Q. Do you have any understanding as to**

23 **why the Progress Note is in two forms?**

24 **A. No.**

25 **COMPU-TRAN SHORTHAND REPORTING**

Robert LeFever

1 **Q. you ever ask anybody?**

2 **A. No.**

3 **Q. Do you know if, for example, Susan**

4 **Waters' entries were made after the fact?**

5 **A. I have no idea.**

6 **Q. In terms of the entries pertaining**

7 **to Susan Waters, did you ever follow up with her**

8 **about anything contained in those?**

9 **A. No.**

10 **Q. Did anybody, as far as you know?**

11 **A. Not that I know of.**

12 **Q. On the Progress Notes, there's no**

13 **indication that any vitals were taken; correct?**

14 **A. I don't see any.**

15 **Q. Did you ever ask anybody why that**

16 **wasn't done?**

17 **A. No.**

18 **Q. Under Section 1.11, bottom of the**

19 **page, 561: "Individuals at risk for progression**

20 **to more severe levels of withdrawal will be under**

21 **constant observation by correctional officers."**

22 **Do you see that?**

23 **A. Yes.**

24 **Q. Were there any policies or practices**

25 **COMPU-TRAN SHORTHAND REPORTING**

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Robert LeFever

1 **in the Putnam County Correctional Facility which**

2 **comport with that; namely, individuals who are at**

3 **risk for progression to more severe levels of**

4 **withdrawal, will be under constant supervision?**

5 **A. Not that I can recall, offhand.**

6 **Q. Do you recall when you reviewed**

7 **AmeriCor's contract and the services it would be**

8 **providing, if you asked anybody any questions**

9 **about that?**

10 **A. No.**

11 **Q. Or whether there were any**

12 **requirements on your staff's part to follow that?**

13 **A. No.**

14 **Q. Were you aware of any requirement**

15 **that medical staff sign the Inmate Medical Intake**

16 **Record packet when they reviewed it?**

17 **A. They sign it when they review it**

18 **with Classification.**

19 **Q. And when is that done?**

20 **A. It would be the next business day.**

21 **Q. And what is the purpose of reviewing**

22 **it with Classification?**

23 **A. Classification has to accept the**

24 **housing level and supervision, and it's just a**

25 **COMPU-TRAN SHORTHAND REPORTING**

Robert LeFever

1
03:47:04 2 review with medical to see what they have on
03:47:06 3 file.
03:47:08 4 Q. Did you ever see Exhibit 28,
03:47:10 5 AmeriCor's Procedure Manual? (Handing)
03:47:12 6 A. Yes.
03:47:14 7 Q. Do you recall if you saw that as one
03:47:16 8 document or at different times, parts of it?
03:47:18 9 A. Both.
03:47:20 10 Q. And do you recall if you reviewed
03:47:22 11 that at any point in time, you know, when
03:47:24 12 AmeriCor was coming into the facility?
03:47:26 13 A. It was after they were hired.
03:47:28 14 Q. You reviewed the entire compilation
03:47:30 15 at that point?
03:47:32 16 A. No, not the entire compilation.
03:47:34 17 Q. How about Exhibit 30, the 2004
03:47:36 18 Policy Manual; did you ever see that? (Handing)
03:47:38 19 A. Yes.
03:47:40 20 Q. Did you ever have any role or input
03:47:42 21 into the drafting of AmeriCor's procedures or
03:47:44 22 policies?
03:47:46 23 A. Not that I can recall.
03:47:48 24 Q. Did Kevin Duffy or anybody else from
03:47:50 25 AmeriCor ever ask for your review or input?

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
03:47:52 2 A. There have been a few occasions.
03:47:54 3 Q. Do you recall if any of those
03:47:56 4 conversations had anything to do with the
03:47:58 5 Receiving Screening?
03:48:00 6 A. No.
03:48:02 7 Q. Or anything pertaining to drugs and
03:48:04 8 alcohol?
03:48:06 9 A. No.
03:48:08 10 Q. Or anything pertaining to suicide
03:48:10 11 prevention?
03:48:12 12 A. No.
03:48:14 13 Q. Did you ever discuss with Kevin Duffy
03:48:16 14 anything about the Suicide Prevention Screening
03:48:18 15 Guideline form?
03:48:20 16 A. No.
03:48:22 17 Q. On Exhibit 28, the 2003 manual, if
03:48:24 18 you would take a look at the page that's Bates
03:48:26 19 stamped 494 at the bottom.
03:48:28 20 A. (Witness complies)
03:48:30 21 Q. Receiving Screening, two-page
03:48:32 22 policy.
03:48:34 23 Did you ever see that before?
03:48:36 24 A. I'm sorry; where are you at?
03:48:38 25 Q. The whole policy. It's two pages,

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
03:48:40 2 494 to 495. Do you recall if you've ever seen
03:48:42 3 that before today?
03:48:44 4 A. No.
03:48:46 5 Q. On the bottom of 494, "If the inmate
03:48:48 6 is medically stable but requires medical follow
03:48:50 7 up - e.g., intoxicated but subject to going into
03:48:52 8 withdrawal - the nurse will accept the inmate;
03:48:54 9 document the medical condition in the inmate's
03:48:56 10 medical record; and depending on the progress,
03:48:58 11 contact the physician for orders or schedule the
03:49:00 12 inmate to be seen at the next physician's sick
03:49:02 13 call."
03:49:04 14 Do you see that?
03:49:06 15 A. Yes.
03:49:08 16 Q. Do you know if any of those things
03:49:10 17 were done with respect to Spencer?
03:49:12 18 A. I don't know.
03:49:14 19 Q. Do you know if anybody ever asked
03:49:16 20 Spencer any questions about his heroin use?
03:49:18 21 A. I don't know.
03:49:20 22 Q. Do you know if anybody ever checked
03:49:22 23 Spencer's body for any kind of indications of
03:49:24 24 needle use - track marks or anything like that?
03:49:26 25 A. I don't know.

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
03:49:28 2 Q. Did you ever ask anything about
03:49:30 3 that?
03:49:32 4 A. No.
03:49:34 5 Q. In terms of scheduling an inmate to
03:49:36 6 be seen at the next physician's sick call, can a
03:49:38 7 correction officer do that?
03:49:40 8 A. No; only medical.
03:49:42 9 Q. And in terms of contacting the
03:49:44 10 physician for orders, can a correction officer do
03:49:46 11 that?
03:49:48 12 A. No.
03:49:50 13 Q. And do you know if, with respect to
03:49:52 14 Spencer Sinkov, anybody scheduled him for a
03:49:54 15 physician's sick call?
03:49:56 16 A. I don't know.
03:49:58 17 Q. Or contacted a physician?
03:50:00 18 A. I don't know.
03:50:02 19 Q. Did you ever have occasion to review
03:50:04 20 any Shift Report form that was prepared by
03:50:06 21 AmeriCor for the shift of May 19 through
03:50:08 22 May 20th, 2006?
03:50:10 23 A. No.
03:50:12 24 Q. Did you ever review the Shift Report
03:50:14 25 form for the shift on which Spencer died?

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

A. No.

Q. Take a look, if you would, at Page

518.

A. (Witness complies)

Q. "Opiate Detoxification." It's a

three-page policy. Do you recall if you've ever

seen that before?

A. No.

Q. First paragraph, "Inmates who report

a history of opiate, including but not limited to

heroin and Methadone use, when committed to the

facility, are to be evaluated for the potential

for the onset of symptoms of narcotic withdrawal."

Do you see that?

A. Yes.

Q. Did you ever come to learn at any

point in time that staff from AmeriCor, according

to its 2003 Procedure Manual, were supposed to

evaluate inmates who reported a history of drug

use for the onset of narcotic withdrawal symptoms?

A. No.

Q. Do you know if correction officers

had any responsibility for doing that?

A. No.

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

Q. No, you don't know; or no, they

didn't?

A. No, they didn't.

Q. In terms of the next paragraph, it

refers to, symptoms varying depending on the

frequency of use, the method of use, how much is

used.

Do you see that?

A. Yes.

Q. And it says there, "These factors

should be documented as part of the nursing

assessment."

Do you know what the nursing

assessment is?

A. There's two parts to the nursing assessment. There's when they first come in, and then there's a 14-day physical later on.

Q. And does the nurse do the 14-day

physical?

A. Yes.

Q. In terms of withdrawal symptoms,

would those be evaluated at intake, or 14 days

later?

A. I don't know.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

Q. ... it fair to say that after 14 days,

the symptoms of withdrawal would have dissipated?

A. Yes.

Q. So, based on that, would it be your

understanding of this policy that the nursing

assessment referred to here is the one at Intake?

A. Yes.

Q. Did you ever have any conversations

with anybody about whether or not Spencer was

assessed at Intake or elsewhere, based on these

factors - frequency of use, mode of use, method;

that kind of thing?

A. No.

Q. Do you know if that was ever done?

A. I don't know.

Q. Do you know if anybody followed up

to see why that wasn't done?

A. I don't know.

MR. COON: Can we just take

a quick break?

MS. BERG: Sure, absolutely.

(Recess taken, following

which Mr. Coon's appearance was substituted by

Bernice E. Margolis.)

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

CONTINUED EXAMINATION BY MS. BERG:

Q. Take a look at Exhibit 30, the 2004

Policy Manual, Pages 421 to 422, called

"Receiving Screening."

Do you remember if you ever saw that

before today?

A. I don't remember.

Q. On Page 422 at the top, the Number 4

paragraph; it says, "Use of alcohol and other

drugs."

A. Yes.

Q. And it indicates what should be

inquired into, mirroring the 2003 Manual - type

of drug, mode of use, amount of use, frequency.

Do you see that?

A. Yes.

Q. Were you aware at any point in time

prior to today that AmeriCor staff were required

to, by their policy and procedure, inquire into

those factors?

A. No.

Q. Did you ever have any conversations

with anybody about that?

A. No.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
2 **Q.** Including whether it happens at
3 intake?
4 **A. No.**
5 **Q.** The next number four on the page
6 under the "Observation of," Number 4: Condition
7 of Skin." Do you see that?
8 **A. Yes.**
9 MS. MARGOLIS: I'm sorry,
10 Kim; what page are we on?
11 MS. BERG: 422.
12 **Q.** Were you ever aware, prior to today,
13 of any requirement that AmeriCor staff observe
14 the skin, including what's in the parentheses
15 there - (needle marks or other indications of
16 drug abuse)?
17 **A. No.**
18 **Q.** Did you ever have any conversations
19 with anybody about whether or not that occurs at
20 intake?
21 **A. No.**
22 **Q.** Page 448 to 450 is a policy called
23 Suicide Prevention.
24 Did you ever see that before today?
25 **A. Not that I can recall.**
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 **Q.** Do you recall having any
3 conversations with anybody, including Duffy,
4 about anything concerning suicide prevention
5 policies or procedures?
6 **A. No.**
7 **Q.** This says that "Inmates will be
8 evaluated for potential risk of suicide during
9 the intake process using the Receiving Screening
10 form and where applicable, the Suicide Prevention
11 Screening Guidelines form or a similar evaluation
12 tool."
13 Do you see that?
14 **A. Yes.**
15 **Q.** Did you ever speak with Duffy about
16 whether or not those forms or tools were in place
17 at the correctional facility?
18 **A. No.**
19 **Q.** "Inmates determined to be at risk as
20 a result of this screening process, will be
21 placed on suicide precautions and immediately
22 referred to the psychiatrist."
23 Do you see that?
24 **A. Yes.**
25 **Q.** And in terms of being placed on
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
2 suicide precautions, any understanding as to what
3 AmeriCor's policy means by that?
4 **A. No.**
5 **Q.** Did you ever receive any inquiries
6 from anybody at AmeriCor as to what a suicide
7 precaution is?
8 **A. No.**
9 **Q.** Did you ever discuss with Duffy or
10 anybody else, what suicide precautions there are
11 in place at Putnam County?
12 **A. No.**
13 **Q.** Next page, again, refers to suicide
14 precautions at the top.
15 Do you see that?
16 **A. Yes.**
17 **Q.** Did anybody ever inquire of you as
18 to what that meant?
19 **A. No.**
20 **Q.** Any nursing staff or otherwise?
21 **A. No.**
22 **Q.** In that paragraph on page 449, it
23 says, "Monitoring should occur every 15 minutes,
24 while the inmate is on suicide precautions."
25 Are you aware of any requirement of
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 AmeriCor staff to actually monitor inmates?
3 **A. No.**
4 **Q.** Did anybody from AmeriCor ever tell
5 you, as the person in charge of the day-to-day
6 operations of the jail, that they would, in their
7 view, require monitoring every 15 minutes?
8 **A. No.**
9 **Q.** Did you ever have any conversations
10 with Duffy about that?
11 **A. No.**
12 **Q.** Do you have an understanding, as you
13 sit here today, as to why it was that Duffy
14 signed a procedure which would say 15 minutes if,
15 in fact, your understanding is constant
16 supervision is required?
17 MS. MARGOLIS: Objection.
18 **A. No.**
19 **Q.** Are you aware of any conversations
20 between Duffy and Smith on that subject?
21 **A. No.**
22 **Q.** When the BCI conducted its
23 investigation and it questioned staff of the
24 facility, as well as AmeriCor staff, were you
25 aware of that?

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 **A. Yes.**

2 **Q.** And do you have any understanding,

3 as you sit here today, as to why Peter Clarke was

4 never questioned?

5 **A. No.**

6 **Q.** Did you ever speak with Sergeant

7 Jackson at any point in time about anything that

8 she observed that day?

9 **A. I don't recall.**

10 **Q.** Did you ever speak with Sergeant

11 Jackson about anything regarding whether any of

12 her staff didn't follow through with policies or

13 procedures?

14 **A. No.**

15 **Q.** Were you ever present at any

16 meetings where Duffy was also present and the

17 conversation related in any way to Spencer?

18 **A. I don't recall.**

19 **Q.** Do you recall attending any meetings

20 that he was at?

21 **A. I don't remember.**

22 **Q.** Did you ever speak with Duffy

23 directly about Spencer Sinkov?

24 **A. Only preparing the documents.**

25 **COMPU-TRAN SHORTHAND REPORTING**

174

Robert LeFever

1 **Q.** Other than that?

2 **A. No.**

3 **Q.** Did you make any comments about

4 anything other than, where is a certain document

5 and can you get it to me?

6 **A. Nothing other than that.**

7 **Q.** Other than what you testified to

8 here today, did you have any conversations with

9 Sheriff Smith which in any way related to Spencer

10 Sinkov?

11 **A. No.**

12 **Q.** Or the Commission's report?

13 **A. Just what I stated before.**

14 **Q.** Anything other than that?

15 **A. No.**

16 **Q.** Did you ever speak with Undersheriff

17 Convery about anything pertaining to Spencer or

18 the Commission's report?

19 **A. I don't believe so.**

20 **Q.** Did you ever speak with Captain

21 MacNamara at any point in time concerning Spencer

22 or anything relating to him?

23 **A. I may have.**

24 **Q.** Do you recall?

25 **COMPU-TRAN SHORTHAND REPORTING**

Robert LeFever

1 **A. I don't recall.**

2 **Q.** Do you recall speaking with any

3 nursing staff at any point in time about Spencer?

4 **A. No.**

5 **Q.** Did you ever speak with those

6 individuals - Smith, Undersheriff Convery,

7 McNamara, or anybody else in the administration

8 of the sheriff's office - about any suicide

9 policies, procedures, forms, anything, other than

10 what you've told us already today?

11 **A. No.**

12 **Q.** Do you recall that in 2003, an

13 inmate Norberto Rivera committed suicide?

14 **A. Yes.**

15 **Q.** Were you captain at that time?

16 **A. Yes.**

17 **Q.** He was also on a 15-minute supervisory

18 check?

19 **A. I don't remember.**

20 **Q.** Do you have any recollection as to

21 why he was on that?

22 **A. No, I do not.**

23 **Q.** Do you have a recollection, that he,

24 like Spencer, had a history of heroin use?

25 **COMPU-TRAN SHORTHAND REPORTING**

176

Robert LeFever

1 **A. I don't remember.**

2 **Q.** Do you recall anything about how it

3 was that he committed suicide?

4 **A. No.**

5 **Q.** Do you recall that he, like Spencer,

6 was in North Housing Unit?

7 **A. Yes, I remember he was in North**

8 **Housing.**

9 **Q.** And do you recall that he, like

10 Spencer, committed suicide by hanging from a

11 sweatshirt?

12 **A. Yes.**

13 **Q.** And do you recall that he did so in

14 between the 15-minute checks?

15 **A. I don't remember.**

16 **Q.** Did you ever see the Commission's

17 report on Rivera?

18 **A. Yes.**

19 **Q.** As part of that process, the

20 Commission's investigation, did you gather

21 documents as you did in Spencer's case?

22 **A. Yes.**

23 **Q.** Other than that, did you have any

24 communications with the Commission about Norberto

25 **COMPU-TRAN SHORTHAND REPORTING**

Robert LeFever

1
2 Rivera?
3 A. No.
4 Q. Do you recall anything about what
5 the Commission recommended in Rivera's situation?
6 A. No, I don't remember.
7 Q. Take a look, if you would, at
8 Exhibit 14, which is the Commission's report
9 pertaining to Rivera and specifically, Paragraph
10 19. (Handing) It's at the back.
11 A. (Witness complies)
12 Q. That paragraph refers to the duties
13 of somebody on the North Housing unit post;
14 correct?
15 A. Yes.
16 Q. And it describes the North Housing
17 Unit as a 16-cell linear housing unit; correct?
18 A. Yes.
19 Q. Any changes to it since 2003?
20 A. No.
21 Q. The post is maintained right outside
22 the block door?
23 A. Yes.
24 Q. Is that true still to today?
25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 Q. It says, "In addition to supervising
3 the North Housing Unit, the officer has
4 responsibilities in other areas, including the
5 program area."
6 A. Yes.
7 Q. Is that true to today?
8 A. No.
9 Q. When did that change?
10 A. I believe, in 2004.
11 Q. And what changed?
12 A. What changed is Sheriff Smith was
13 able to get another correction officer position
14 for the program, also.
15 Q. And when was that post staffed?
16 A. I don't remember. Sometime
17 thereafter.
18 Q. And do you recall if it was staffed
19 before May 20th of '06?
20 A. I don't remember.
21 Q. And in terms of that program officer
22 post, is it a day shift? A night shift?
23 A. It's a day shift.
24 Q. Is it steady days?
25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
2 Q. / specific days of the week?
3 A. Monday through Friday.
4 Q. So then, on nights and weekends, are
5 there any programs that need to be tended to,
6 where the program officer post wouldn't be
7 filled?
8 A. Yes.
9 Q. And who would take over that?
10 A. The inmate escort officer.
11 Q. Anybody else?
12 A. No.
13 Q. Were you aware at any point in time
14 that as a matter of practice, somebody on the
15 North Housing Unit post had responsibility for
16 the programs?
17 MR. RANDAZZO: Objection to
18 the form.
19 A. Prior to the program officer
20 position?
21 Q. At any point in time.
22 A. Yes.
23 Q. Would it have been prior to this
24 position being created?
25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 Q. Do you know if that was, then, prior
3 to May 20th or after May 20th of '06?
4 A. I don't know.
5 Q. It also indicates in the
6 Commission's final report on Rivera that the NHU
7 post has responsibility for movement into the
8 adjacent recreation yard and a separate four-cell
9 housing unit, approximately 100 feet away.
10 Does that remain true to today?
11 A. No.
12 Q. What changed in that regard?
13 A. What changed is the Commission
14 changed their staffing analysis. This originally
15 was under staffing, but the officer who ran the
16 16 units and did programs and did the other
17 housing unit, they came down -- I don't remember
18 when they came out or what it was in regards to,
19 but they said we couldn't use those four cells as
20 housing - it was only special housing - and that
21 they were going to look at the program area.
22 Q. How about the recreation yard
23 duties?
24 A. Moving the inmates? Yes, they still
25 move the inmates.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
04:14:20 2 Q. So, that would be the NHU post?
04:14:22 3 A. Yes.
04:14:24 4 Q. What is the separate four-cell
04:14:26 5 housing unit?
04:14:28 6 A. It's a four-cell unit down -- it's
04:14:30 7 about 100 feet from their station, and it was
04:14:32 8 normally housed in general housing. And they
04:14:34 9 would supervise both units - the four-man and the
04:14:36 10 16-man. And then, like I said, the Commission
04:14:38 11 determined that they couldn't do that anymore.
04:14:40 12 Q. And do you recall when that
04:14:42 13 happened?
04:14:44 14 A. I don't remember.
04:14:46 15 Q. Do you recall if it was before or
04:14:48 16 after May 20th of '06?
04:14:50 17 A. I don't remember.
04:14:52 18 Q. And the four-cell housing unit, does
04:14:54 19 it have its own designation, like NHU-2?
04:14:56 20 A. It's North Housing Two, North
04:14:58 21 Housing Unit Two.
04:15:00 22 Q. Under the "Recommendations" section,
04:15:02 23 number one, to the sheriff of Putnam County:
04:15:04 24 "The sheriff should question the housing area
04:15:06 25 officer for the North Housing area for the

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

04:15:08 2 accuracy of his documented times he completed
04:15:10 3 rounds."
04:15:12 4 Do you see that?
04:15:14 5 A. Yes.
04:15:16 6 Q. Do you recall that as you sit here
04:15:18 7 today?
04:15:20 8 A. Yes.
04:15:22 9 Q. Do you know if anybody ever
04:15:24 10 questioned the housing area officer?
04:15:26 11 A. Any officer in particular? I don't
04:15:28 12 believe so.
04:15:30 13 Q. In this case, I believe it was
04:15:32 14 Vasaturo; do you recall if anybody ever
04:15:34 15 questioned him?
04:15:36 16 A. I don't remember.
04:15:38 17 Q. Did you ever come to learn that he
04:15:40 18 understood that he could round off times?
04:15:42 19 A. I've heard that.
04:15:44 20 Q. At this time?
04:15:46 21 A. I don't remember when I heard it.
04:15:48 22 Q. Did you do anything as a result of
04:15:50 23 hearing that?
04:15:52 24 A. We told everybody, you can't round
04:15:54 25 off.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

04:15:41 2 Q. verbally?
04:15:43 3 A. Verbally and in training.
04:15:45 4 Q. Anything else?
04:15:47 5 A. No.
04:15:49 6 Q. Did you do that after the Commission's
04:15:51 7 report came down?
04:15:53 8 A. Before and after.
04:15:55 9 Q. Was any, as far as you know,
04:15:57 10 disciplinary action taken against Vasaturo?
04:15:59 11 A. I don't know.
04:16:01 12 Q. Number two says "Reevaluate first-
04:16:03 13 aid equipment availability."
04:16:05 14 Do you know if that was done?
04:16:07 15 A. Yes.
04:16:09 16 Q. What was done in that regard?
04:16:11 17 A. We made sure all the oxygen bottles
04:16:13 18 are filled, in the proper places, first-aid kits,
04:16:15 19 fire extinguishers.
04:16:17 20 Q. And Number 3 says, "The sheriff
04:16:19 21 should request an updated staffing analysis."
04:16:21 22 Do you know if that was done?
04:16:23 23 A. Yes.
04:16:25 24 Q. Is that the same staffing analysis
04:16:27 25 that you just testified about or something

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

04:16:29 2 different?
04:16:31 3 A. No; the Commission came down and did
04:16:33 4 a review. I forget what prompted that, but then
04:16:35 5 the sheriff asked me for complete staffing
04:16:37 6 housing for the entire jail, not just the north
04:16:39 7 unit.
04:16:41 8 Q. So, in terms of the changes that you
04:16:43 9 testified to earlier to the program officer and
04:16:45 10 the four cells that are NHU Two, was that part of
04:16:47 11 this updated staffing analysis or a different
04:16:49 12 one?
04:16:51 13 A. It was prior to, but it was
04:16:53 14 incorporated therein once it was promulgated.
04:16:55 15 Q. So, those changes came down prior to
04:16:57 16 2003?
04:16:59 17 A. That would be after 2003.
04:17:01 18 Q. Do you recall if it was prior to
04:17:03 19 January 11th of '05 when the Commission issued
04:17:05 20 the Rivera report?
04:17:07 21 A. Don't remember.
04:17:09 22 Q. Did you ever have occasion to review
04:17:11 23 any of the documents pertaining to Rivera's
04:17:13 24 incarceration - Medical Record Intake forms,
04:17:15 25 anything like that?

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
2 **A. Only at the time of putting them**
3 **together.**
4 **Q. So, that would've been back in '03 --**
5 **A. Yes.**
6 **Q. -- or '04?**
7 **A. Within a month after it happened.**
8 **Q. Okay. And do you recall if he had**
9 **in his file a Suicide Prevention Screening**
10 **Guideline form?**
11 **A. I don't remember.**
12 **Q. Did you speak with anybody at that**
13 **time about anything concerning his intake**
14 **process?**
15 **A. Not that I can recall.**
16 **Q. Or about what he was doing while he**
17 **was being monitored?**
18 **A. No.**
19 **Q. Do you recall if Rivera had a Mental**
20 **Health Referral Routing Sheet completed for him?**
21 **A. I believe he did.**
22 **Q. And do you know if in his case a**
23 **correction officer, or a nurse, or both,**
24 **completed one?**
25 **A. I think there was two of them.**
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 **Q. Do you recall one being done by the**
3 **sergeant or the correction officer?**
4 **A. I don't remember who did them.**
5 **Q. Do you recall being involved in any**
6 **meetings or discussions after Rivera's death**
7 **about anything concerning the suicide policies in**
8 **the jail?**
9 **A. Only in regards to Dr. Sadler.**
10 **Q. Anything else?**
11 **A. No.**
12 **Q. Dr. Sadler at that time was the jail**
13 **psychiatrist?**
14 **A. Yes.**
15 **Q. And since that time, AmeriCor now**
16 **provides those mental health services?**
17 **A. Yes.**
18 **MS. BERG: Let me have**
19 **marked as Exhibit 39 a copy of an**
20 **interoffice memo from Captain Robert**
21 **LeFever, to Sheriff Donald Smith,**
22 **Attention: Undersheriff Convery.**
23 **And as 40, a September 28th, '04,**
24 **memo from Convery to LeFever.**
25 **(Whereupon, 10/4/04 memo was marked as**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1
2 **Plaint. Exhibit No. 39, for id;**
3 **9/28/04 memo was marked as**
4 **Plaintiff's Exhibit No. 40, for id.)**
5 **Q. In terms of chronology, I'm going to**
6 **start with 40. (Handing)**
7 **Do you remember receiving that from**
8 **Convery?**
9 **A. No, I don't remember it.**
10 **Q. Do you recall, at any point in time,**
11 **preparing any response to the recommendations in**
12 **the Commission's report on Rivera?**
13 **A. No.**
14 **Q. Take a look at 39. (Handing)**
15 **Do you recall delivering that to**
16 **Sheriff Smith and Undersheriff Convery?**
17 **A. I don't remember it.**
18 **Q. Do you recall anything that you did**
19 **to prepare Exhibit 39?**
20 **A. No.**
21 **Q. The first paragraph in your memo**
22 **says, "The policies and procedures in place are**
23 **consistent with the training for suicide**
24 **prevention."**
25 **A. Yes.**
COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1
2 **Q. And then, you go on to refer to the**
3 **Suicide Prevention Screening being good for**
4 **72 hours.**
5 **Do you see that?**
6 **A. Yes.**
7 **Q. In terms of those policies and**
8 **procedures, were you referring solely to the fact**
9 **that the suicide prevention screening is only**
10 **good for 72 hours?**
11 **A. Yes.**
12 **Q. Were you referring to any other**
13 **policies or procedures?**
14 **A. No.**
15 **Q. Did anybody ask you at that time**
16 **about anything concerning any other policies or**
17 **procedures?**
18 **A. No.**
19 **Q. Look at Paragraph 2: "The**
20 **correction officer on duty during the incident**
21 **was counselled regarding his rounding of the**
22 **times of his security checks."**
23 **Do you see that?**
24 **A. Yes.**
25 **Q. Do you have a recollection of that**
COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 as you sit here today?

2 **A. No.**

3 **Q.** Do you know who the correction

4 officer was?

5 **A. No.**

6 **Q.** Do you know who counselled him or

7 her?

8 **A. No.**

9 **Q.** Do you know if that counseling was

10 in any way memorialized in some written form?

11 **A. I don't remember.**

12 **Q.** On the second page, Number Four:

13 "The sheriff already obtained a new correction

14 officer position for the post of program officer.

15 This was requested for the 2004 budget; and most

16 recently, the position filled."

17 **Q.** Do you see that?

18 **A. Yes.**

19 **Q.** Does that refresh your recollection

20 as to when the position was filled?

21 **A. Yes.**

22 **Q.** It says "Recently, the process had

23 begun to assign this post."

24 **Q.** What does that mean?

25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 **A. Well, once we got the position**

2 **filled, we were -- I believe we were short**

3 **staffed at the time; so, we were taking that**

4 **person and using him for other -- other posts at**

5 **the time, and then we were putting him on that**

6 **post when we had the opportunity.**

7 **Q.** Once that position was created, was

8 it always the responsibility of the inmate -- was

9 it the booking officer that had that?

10 **A. No; inmate escort officer.**

11 **Q.** I'm sorry; escort officer. Once the

12 program officer position was budgeted for and

13 filled, is that when the inmate escort officer

14 would take over on nights and weekends?

15 **A. Yes.**

16 **Q.** And do you recall, then, when it was

17 that that position was actually filled?

18 **A. No. Permanently, no.**

19 **Q.** And you can't tell me whether it was

20 before or after May 20th of 2006?

21 **A. Now, with this recollection, I would**

22 **say it would be January -- it would probably be**

23 **January of 2005.**

24 **Q.** Do you recall, though, one way or

25

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 the other?

2 **A. No.**

3 **Q.** With respect to Mr. Rodriguez, do

4 you recall if there was any investigation with

5 respect to his attempted suicide?

6 **A. I'm sorry; I didn't hear that.**

7 **Q.** Rodriguez, the attempted suicide,

8 was there any investigation regarding that?

9 **A. I don't remember.**

10 **Q.** Do you know if there were any -- did

11 you at least review any medical intake forms,

12 suicide screening forms; anything along those

13 lines?

14 **A. No.**

15 **Q.** Do you know if he was on a 15-minute

16 watch or something else?

17 **A. I don't remember.**

18 **Q.** Do you recall if he had any history

19 of drug use?

20 **A. I don't remember.**

21 **Q.** Do you recall how it was that it

22 came to be that his attempted suicide was

23 thwarted?

24 **A. No.**

25

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 **Q.** Do you recall if other inmates were

2 calling for the correction staff to come?

3 **A. I believe that's what it was.**

4 **Q.** Where was he housed?

5 **A. In North Housing.**

6 **Q.** Do you recall if there was any

7 investigation by the county into that matter?

8 **A. I don't remember.**

9 **Q.** Were any statements taken as far as

10 you know?

11 **A. Don't remember.**

12 **Q.** Was the Commission notified?

13 **A. Yes.**

14 **Q.** Do you know if the investigators

15 from the Commission ever questioned anybody?

16 **A. Don't remember.**

17 **Q.** Do you recall if you provided the

18 Commission with any documents?

19 **A. Don't remember.**

20 **Q.** In connection with Rodriguez, did

21 the sheriff, undersheriff, or anybody else ever

22 ask you for any information pertaining to the

23 Commission's investigation?

24 **A. Don't remember.**

25

COMPU-TRAN SHORTHAND REPORTING

48 of 73 sheets